

following matter for consideration by the Seventy-first Texas Legislature in its Fifth Called Session:

Legislation relating to proposing a constitutional amendment relating to the procedures for filling vacancies in certain state and district offices.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State to be affixed hereto at Austin, this 24th day of May, 1990.

Pursuant to Article III, Section 40 and Article IV, Section 8 of the Texas Constitution, I, William P. Clements, Jr., Governor of Texas, do hereby submit the following matter for consideration by the Seventy-first Texas Legislature in its Fifth Called Session:

Legislation relating to appropriating money to the Texas Department of Human Services, the Texas Department of Health and the Texas Department of Mental Health and Mental Retardation.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State to be affixed hereto at Austin, this 24th day of May, 1990.

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

ATTEST:

/s/George S. Bayoud, Jr.
George S. Bayoud, Jr.
Secretary of State

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Caperton submitted the following report for the Committee on Finance:

H.B. 129
C.S.S.B. 62

CONGRATULATORY RESOLUTIONS

S.R. 102 - By Ellis: Commending Mrs. Willie Lee Gay for her dedication in preserving the unique heritage and tradition of Texas.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 4:34 p.m. adjourned until 10:30 a.m. tomorrow.

SIXTH DAY
(Friday, May 25, 1990)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Ellis, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Absent-excused: Santiesteban.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Lord and our Maker, we come this morning with a prayer of gratitude for uncommon men and women who are working to insure the ongoing of a quality education system in Texas, and for men and women who in the give and take of compromise, do so with dedication and vision toward the future. May the efforts of these be rewarded and Your will prevail.

We ask this prayer through Jesus Christ our Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Brooks.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 12

S.C.R. 14

H.C.R. 25

MESSAGE FROM THE HOUSE

House Chamber

May 25, 1990

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 56, Relating to appropriations to the Central Education Agency. (As amended)

H.C.R. 4, Inviting the people of Bavaria to join Texas in a relationship of friendship and commerce.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 25 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 25, Relating to an employer's chargeback liability for unemployment compensation benefits based on separations from employment caused by certain natural disasters.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 25 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 25** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE JOINT RESOLUTION 9 ON SECOND READING

Senator Bivins moved to suspend the regular order of business to take up for consideration at this time:

S.J.R. 9, Proposing a constitutional amendment relating to distribution of the available school fund.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Armbrister, Bivins, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Harris, Johnson, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Tejada, Truan, Uribe, Zaffirini.

Nays: Brooks, Brown, Ellis, Haley, Henderson, Krier, Leedom, Sims, Whitmire.

Absent: Barrientos.

Absent-excused: Santiesteban.

The resolution was read second time and was passed to engrossment viva voce vote.

MOTION TO PLACE

SENATE JOINT RESOLUTION 9 ON THIRD READING

Senator Bivins moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.J.R. 9** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 21, Nays 8. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Bivins, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Harris, Henderson, Johnson, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Tejada, Truan, Uribe, Zaffirini.

Nays: Brooks, Brown, Ellis, Haley, Krier, Leedom, Sims, Whitmire.

Absent: Barrientos.

Absent-excused: Santiesteban.

CAPITOL PHYSICIAN

Senator Armbrister was recognized and presented Dr. Jim Burns of West Columbia as the "Doctor for the Day."

The Senate welcomed Dr. Burns and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

HOUSE BILL 129 ON SECOND READING

Senator Caperton moved to suspend the regular order of business to take up for consideration at this time:

H.B. 129, Relating to the rate of the state limited sales, excise, and use tax.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Armbrister, Barrientos, Brooks, Caperton, Carriker, Dickson, Edwards, Ellis, Glasgow, Green, Haley, Johnson, Krier, Lyon, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris, Henderson, Leedom, McFarland.

Absent-excused: Santiesteban.

The bill was read second time and was passed to third reading viva voce vote.

RECORD OF VOTES

Senators Bivins, Brown, Harris, Henderson, Leedom and McFarland asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 129 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 129** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Ellis, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Brown, Leedom.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6.

Yeas: Armbrister, Barrientos, Brooks, Caperton, Carriker, Dickson, Edwards, Ellis, Glasgow, Green, Haley, Johnson, Krier, Lyon, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris, Henderson, Leedom, McFarland.

Absent-excused: Santiesteban.

**COMMITTEE SUBSTITUTE SENATE BILL 62
ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 62, Relating to appropriations for the biennium ending August 31, 1991.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 62** as follows:

(1) In Section 2 of the bill, insert a new Subsection (b) to read as follows:

(b) In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$6,100,000 is appropriated to the Texas Department of Mental Health and Mental Retardation from the proceeds of the issuance of bonds previously authorized by the approval of the voters of **S.J.R. No. 24**, Acts of the 71st Legislature, Regular Session, 1989, for the two-year period beginning on the date the proceeds become available. The funds are to be used for the conversion of open-bay dormitories in state schools as required to meet federal Intermediate Care Facility for Persons with Mental Retardation (ICF-MR) standards and for other court-related construction, repair, and renovation projects in state facilities.

(2) Reletter existing Subsection (b) and the remaining subsections of Section 2 appropriately.

The amendment was read and was adopted viva voce vote.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 62** by inserting the following on page 8 after line 27:

(f) In addition to the authority otherwise provided by this section, the Texas Department of Human Services, with the prior approval of the Governor and Legislative Budget Board, may transfer an amount not to exceed \$5,000,000 from fiscal year 1991 appropriations for purchased health services to 1990 appropriations for purchased health services to maintain current levels of service.

The amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 62
ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 62** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

MOTION TO ADJOURN

On motion of Senator Brooks, the Senate at 11:32 a.m. agreed to adjourn, upon the completion of signing bills, until 11:00 a.m. Tuesday, May 29, 1990.

BILL SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

H.B. 129

MEMORIAL RESOLUTION

S.R. 105 - By Glasgow: In memory of DeAnna Kay Supercinski.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 9 - (Johnson): Inviting the people of the Republic of Ghana to join Texas in friendship and commerce.

H.C.R. 27 - (Krier): Extending welcome to Ginger Sullivan.

S.R. 103 - By Glasgow: Extending congratulations to Thomas Chance on his graduation from the Texas School for the Deaf.

S.R. 104 - By Glasgow: Extending congratulations to Michael Green, Jr., on his graduation from the Texas School for the Deaf.

S.R. 106 - By Glasgow: Extending congratulations to Mr. and Mrs. Howard Smith on their 50th wedding anniversary with best wishes for many more years of continued happiness.

S.R. 107 - By Tejeda: Commending Father Manuel Cortez Roman for his devotion to Christ's kingdom on earth.

ADJOURNMENT

The President at 12:01 p.m. announced that the Senate would, in accordance to a previously adopted motion, stand adjourned until 11:00 a.m. Tuesday, May 29, 1990.

SEVENTH DAY

(Tuesday, May 29, 1990)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Ellis, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parker, Ratliff, Sims, Tejeda, Uribe, Zaffirini.

Absent-excused: Lyon, Parmer, Santiesteban, Truan, Whitmire.

A quorum was announced present.

Doug Richnow, former staff member of Senator Zaffirini and now attending the Virginia Theological Seminary in Alexandria, offered the invocation as follows: